

# Frequently Asked Questions

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## Employment and Public Accommodation

1. **Is there a time limit to file a complaint?**

**Answer**

Yes. A person has up to 180 days from the date the discriminatory act occurred to file a complaint with the Tennessee Human Rights Commission (THRC). If more than 180 days have passed, the complaint is non-jurisdictional for the THRC. If less than 300 days have passed, it can be filed with the U. S. Equal Employment Opportunity Commission (EEOC).

**2. Is this a lawsuit?**

**Answer**

No. The filing of a discrimination complaint is not a lawsuit. It is an administrative process.

**3. Do I need an attorney?**

**Answer**

No. You are not required to obtain an attorney; however, you may do so at any time. If you do obtain an attorney, you must advise your investigator immediately so that the THRC may contact your attorney regarding your complaint.

**4. How do I file an employment complaint?**

**Answer**

Call or visit your nearest THRC office. An Intake Officer can answer your questions and assist you with filling out a complaint form. An electronic complaint form can be accessed and completed here or one can be mailed or emailed to you for your convenience. Please note that electronic forms must be printed, signed or notarized and physically mailed or delivered to a THRC office.

**5. What happens after a complaint is filed?**

**Answer**

When a complaint is received it is reviewed for jurisdictional requirements. The Intake Review Officer checks to ensure that:

- a. The complainant has alleged a basis that is within a protected class. The THRC can only investigate charges that are filed on the basis of discrimination in regard to a person's race, color, religion, age (over 40), sex, creed, national origin or disability.
- b. The charge was filed in a timely manner. A charge has to be filed within 180 days of the discriminatory act.
- c. The company/respondent operates a business in the state of Tennessee.
- d. The company/respondent employs eight or more people. Please note that under the Tennessee Handicap Act (THA) employers with one or more employees are covered. If it is determined that the complaint meets the jurisdictional requirements, the charge is accepted and assigned a tracking number. If the company/respondent employs fifteen or more people, the charge is dual filed with EEOC and receives a THRC tracking number, as well as an EEOC tracking number. The company/respondent is notified that a charge has been filed against it and a response is requested. Upon receipt of the response, the case is reviewed and may be dismissed or assigned to an investigator. Following assignment, the investigation begins.

**6. How long does an investigation take?**

**Answer**

The length of an investigation is determined by the complexity of the case and the cooperation of the parties. The investigator is sensitive to time; however, as a fact finder he/she endeavors to gather relevant information, interview witnesses and conduct a thorough investigation so that he/she can make a recommendation on the merits of the case. Generally speaking, an investigation can take up to six months, but it is usually less.

**7. Does the THRC represent me?****Answer**

No. The THRC is a neutral fact-finding agency during the investigation. The THRC's role is to investigate each complaint to determine if there is evidence that a violation of the law has occurred. THRC's goal is to prevent and eliminate discrimination.

**8. What does the THRC do if discrimination is found?****Answer**

If the THRC determines that there is reasonable cause to believe that discrimination has occurred, the parties are notified and attempts are made to conciliate the complaint. If conciliation is unsuccessful, the complaint may be taken to an administrative hearing to be presented before an administrative law judge, or the complainant can elect to go to federal court by requesting a federal right-to-sue letter (this applies to cases that meet the federal guidelines for the EEOC).

**9. If my case is dual filed with EEOC and THRC, which agency will investigate my case?****Answer**

If the THRC receives a complaint that is determined to be jurisdictional for both EEOC and the THRC, the THRC will investigate the charge. Upon completion of the investigation, the THRC will report its findings to EEOC. The EEOC can accept the THRC's findings, or can conduct additional review of the matter.

**10. What is the difference between the THRC and the EEOC?****Answer**

The THRC is a state agency that operates under and enforces state laws, which are the Tennessee Human Rights Act (THRA) and the Tennessee Handicap Act (THA). Under these laws, the THRC has jurisdiction to investigate charges of discrimination in employment, housing and public accommodation. The EEOC is a federal agency that enforces federal law. The agency investigates employment complaints. The THRC and the EEOC have a Work Sharing Agreement that allows each agency to act as the other's agent and prevents duplication of effort.

**11. I have a small company. Is it subject to the Tennessee Human Rights Act?****Answer**

If you have 8 or more employees, your business comes under the THRA. Please note that under the THA employers with one or more employees are covered.

**12. If I believe that I was discriminated against on my job because I am gay, can I file a charge with the agency?**

**Answer**

No. The THRA does not offer protection based on sexual orientation. In the area of employment and public accommodation, the THRA protects against discrimination based on a person's race, color, creed, religion, national origin, sex, disability, and age (over forty).

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**Housing Questions****1. Am I covered if I believe that I was discriminated against because I am gay?****Answer**

No. The THRA does not offer protection based on sexual orientation. In the area of housing, the THRA protects against discrimination based on a person's race, color, creed, religion, national origin, sex, disability, and familial status.

**2. What is familial status?****Answer**

Familial status means a family contains a member under the age of 18. In accordance with the THRA, it is a discriminatory act to treat someone differently with regard to the terms and conditions of housing due to the presence of children or the expected presence of children under the age of 18, including pregnant women. Please note it is illegal to advertise "no children" in advertisements for the sale or rental of housing.

**3. I recently painted my apartment. Do I have to rent to people in wheelchairs who may bump into and mark the walls?****Answer**

Yes. You cannot deny housing to qualified persons with disabilities. If there is damage that would be considered more than normal wear and tear, you may cover the cost of repair through the damage deposit.

**4. The apartments on the upper floors of my buildings have balconies. I don't think it's safe for children. Can I refuse to rent the upstairs apartments to families with young children?****Answer**

No. It is up to the parent who will be renting to decide if it is a suitable place for their family.

**5. Can I set a dollar amount of income required of my applicants?****Answer**

Yes. You may establish a reasonable, minimum income criterion necessary for the applicant to afford the unit. This standard must be applied uniformly to all applicants.

**6. A young man came to look at an apartment, and he looked sick. I think he may have AIDS. Do I have to rent to him?****Answer**

Yes. If he is otherwise qualified, you cannot refuse to rent to him. A person with AIDS or who is believed to have AIDS is protected under the law from discrimination on the basis of physical disability.

## **7. How do I file a housing complaint?**

### **Answer**

Call or visit your nearest THRC office. An Intake Officer can answer your questions and assist you with filling out a complaint form. An electronic complaint form can be accessed and completed here or one can be mailed or emailed to you for your convenience. Please note that electronic forms must be printed, signed or notarized and physically mailed or delivered to a THRC office.

If it has been more than 180 days since the last act of believed/alleged discrimination against you, it is your right to file a complaint with the United States Department of Housing and Urban Development, (HUD), Fair Housing and Equal Opportunity Office (FHEO).

You may file a complaint with the HUD FHEO office by calling 1.800.669.9777 or by accessing the HUD website at [www.hud.gov/complaints/housediscrim.cfm](http://www.hud.gov/complaints/housediscrim.cfm)

You may file a complaint with the HUD FHEO office up to 1 year after the alleged discriminatory act occurred.

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## **Mediation Program Questions**

### **1. How are cases selected for mediation?**

#### **Answer**

The THRC cannot require parties to mediate; however, all complainants and respondents are encouraged to participate in mediation. The service is free and convenient, and it is designed to give the parties an expedient means of resolving their grievance. If both parties agree to have their case mediated, a mediation is scheduled.

### **2. What if an agreement is not reached?**

#### **Answer**

If no agreement is reached, the case is returned to investigation. The details of the mediation discussion are not made a part of the investigative file and are not shared with the assigned investigator.

### **3. What if I'm not satisfied with the mediation process?**

#### **Answer**

Any party may stop the mediation at any time if they feel it is not productive

### **4. Who are the mediators?**

#### **Answer**

The THRC mediators are trained professionals who do not advocate for either side. The THRC mediator controls the process, giving both parties an equal chance to speak and make suggestions that may lead to an amicable agreement.